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FEB 07 2011

FCC Mail Room

WALSH, ANDERSON,  
BROWN, GALLEGOS  
and GREEN, P.C.

ATTORNEYS AT LAW

January 31, 2011

Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, DC 20554

**CERTIFIED MAIL #7009 1680 0001 8296 4920**  
**RETURN RECEIPT REQUESTED**  
**and**  
**FACSIMILE**

Re: Notice of Appeal; WC Docket No. 06-122

To Whom It May Concern:

Please allow this to serve as Notice of Appeal of the decision of USAC in connection with the following:

|                                  |                          |
|----------------------------------|--------------------------|
| Form 471 Application             | 363866                   |
| Funding Year:                    | 2003                     |
| Applicant's Form Identifier:     | Por Vida YR6#2           |
| Billed Entity Number:            | 233251                   |
| FCC Registration Number:         |                          |
| SPIN:                            | 143025918                |
| Service Provider Name:           | RGC and Associates, Inc. |
| Service Provider Contact Person: | Ronald Clontz            |
| Funding Request Number:          | 987492                   |
| Services Ordered:                | INTERNAL CONNECTIONS     |
| Site Identifier:                 | 233251                   |
| Original Funding Commitment:     | \$282,683.45             |
| Commitment Adjustment Amount:    | \$282,683.45             |

You will find enclosed the correspondence submitted in connection with the original appeal to USAC as well as a copy of the USAC letter being appealed. You may contact the undersigned using the same information submitted to USAC in connection with the matter below.

Be advised that, prior to USAC's decision on the appeal below, RGC and Associates, Inc., was not provided any explanation as to what was allegedly erroneous with respect to the Funding Commitment. Based upon the information contained in USAC's decision, RGC and Associates, Inc., and Por Vida have reviewed the underlying submissions. The parties have recognized that 261 network connections were authorized (as compared to the 432 that were

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committed). The parties have worked together to determine appropriate refunds due based upon this discrepancy.

Based upon calculations which can be provided separately, the parties believe that RGC and Associates, Inc., should refund SLD \$71,165.12 and should refund Por Vida, \$7,907.24. This would reflect the difference between 261 installed network connections and 432 committed drops (including costs for cabling). Por Vida has indicated that they are amenable to this proposed solution.

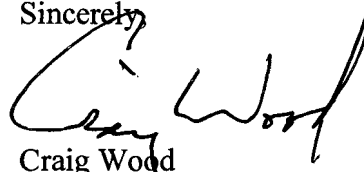
Although we have filed this as a Notice of Appeal, it should be noted that RGC and Associates, Inc., is interested in resolving this matter informally and in an expeditious manner.

I would appreciate you notifying me of someone who is in a position to discuss the proposed resolution as quickly as possible. We are prepared to provide all necessary documentation to support this proposal.

Should this proposal be accepted, I would request that terms of payment be discussed that would permit RGC and Associates, Inc., a reasonable amount of time to refund the proposed amounts. In this regard, I will note that my client went approximately two years without being awarded ANY funds for work which they performed and which was authorized and approved by SLD. The resultant hardship nearly bankrupted the company. The company has still not recovered from the devastating effects of that withholding. Further, when my client finally was compensated for its work, no interest was paid on the funds that it had been withheld. Accordingly, I believe that a reasonable payout schedule would be equitable.

I look forward to your contact so that we may discuss this situation and our proposal.

Sincerely,



Craig Wood  
Attorney at Law

DCW/crr  
Enclosure

cc: Mr. Ron Clontz, RGC and Associates  
Mr. Steven Langseth, Por Vida, Inc.

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USAC

Universal Service Administrative Company  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2003-2004**

December 20, 2010

D. Craig Wood  
Walsh, Anderson, Brown, Gallegos & Green, P.C.  
100 N.E. Loop 410  
Suite 900  
San Antonio, TX 78216

Re: Applicant Name: POR VIDA, INC  
Billed Entity Number: 233251  
Form 471 Application Number: 363866  
Funding Request Number(s): 987492  
Your Correspondence Dated: November 01, 2010

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2003 Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 987492  
Decision on Appeal: **Denied**  
Explanation:

- During USAC's review, Por Vida, Inc. was asked to provide detail justifying the cost effectiveness of the requested services. Based on the documentation submitted during USAC's Review, USAC has determined that the large number of drops in excess of the number of devices connected to the internet (432 drops that were originally requested, invoiced for and paid for) and pricing that is 214% of comparable costs is not cost effective. The record demonstrates that Por Vida, Inc. was given the opportunity to justify the request as cost effective. Although the response stated that only 261 jacks were installed, the response and the explanation in your appeal letter still does not justify the pricing and originally requested, invoiced for and paid for 432 drops as cost effective. Since the response and information provided in your appeal letter failed to justify the request as cost effective, the original denial for the large number of drops in excess of the number of devices connected to the internet (432 drops that were originally requested,

invoiced for and paid for) and pricing that is 214% of comparable costs was upheld. Consequently, it has been determined that the applicant's funding request for Internal Connections has not been justified as cost effective as required by the Schools and Libraries Support Mechanism's rules and procedures. Therefore, the appeal is denied.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

cc: Steven Langseth

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WALSH, ANDERSON,  
BROWN, GALLEGOS  
and GREEN, P.C.

ATTORNEYS AT LAW

November 1, 2010

Letter of Appeal  
Schools and Libraries Division – Correspondence Unit  
100 S. Jefferson Rd.  
P.O. Box 902  
Whippany, NJ 07981

**Certified Mail #7009 1680 0001 8296 4678**

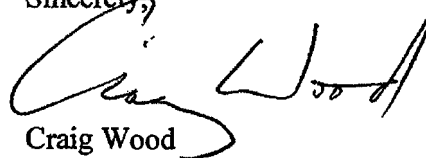
**Return Receipt Requested  
and Email**

To Whom It May Concern:

Please find enclosed an appeal of the Notification of Commitment Adjustment Letter dated September 1, 2010, addressed to Steven Langseth of Por Vida, Inc., and copied to Ron Clontz, RGC and Associates, Inc. A copy of this letter and enclosures has been provided to the Applicant.

Should you have any questions or wish to discuss this matter, please do not hesitate to contact me.

Sincerely,



Craig Wood  
Attorney at Law

DCW/crr  
Enclosure

cc: Mr. Steven Langseth, Por Vida, Inc.

1. Communications concerning this matter may be addressed to either of these individuals:

Ron Clontz, President  
RGC and Associates, Inc.  
10918 Vance Jackson  
Suite 204C  
San Antonio, Texas 78230  
(210) 227-7422 x. 204 (Phone)  
(210) 227-7424 (Fax)  
[rclontz@rgca.net](mailto:rclontz@rgca.net)

Craig Wood, Attorney at Law  
Walsh, Anderson, Brown, Gallegos & Green, P.C.  
100 N.E. Loop 410  
Suite 900  
San Antonio, Texas 78216  
(210) 979-6633 (Phone)  
(210) 979-7024 (Fax)  
[cwood@sa.wabsa.com](mailto:cwood@sa.wabsa.com)

2. This Letter is an appeal of the Notification of Commitment Adjustment Letter dated September 1, 2010, addressed to Steven Langseth of Por Vida, Inc. and copied to Ron Clontz, RGC and Associates, Inc.

The appeal concerns:

|                                  |                          |
|----------------------------------|--------------------------|
| Form 471 Application Number:     | 363866                   |
| Funding Year:                    | 2003                     |
| Applicant's Form Identifier:     | POR VIDA YR6#2           |
| Billed Entity Number:            | 233251                   |
| FCC Registration Number:         |                          |
| SPIN:                            | 143025918                |
| Service Provider Name:           | RGC and Associates, Inc. |
| Service Provider Contact Person: | Ronald Clontz            |
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| Site Identifier:                 | 233251                   |
| Original Funding Commitment:     | \$282,683.45             |
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3. The Funding Commitment Adjustment Explanation states:

"After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of a review, it was determined that the funds were erroneously committed for the funding request 987492, which was not justified as cost effective. The FCC rules require that, in selecting the service provider, the applicant must select the most cost-effective service or equipment offering, with price being the primary factor, which will result in it being the most effective means of meeting educational needs and technology plan goals. Additionally, the applicant's technology plans for requested services should be based on an assessment of their reasonable needs. Applicants that request services that are beyond their reasonable needs and thus not cost effective have violated the above rules. Since FRN 987492 exceeded the applicant's reasonable needs, this funding commitment is rescinded in full and SLD will seek recovery of any improperly dispersed funds from the applicant."

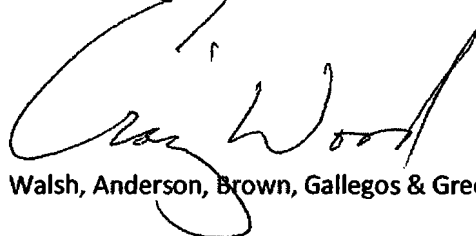
Response:

RGC and Associates, Inc., as the service provider in the subject matter, complied with all technical and legal requirements to ensure that the work was done in a cost-effective manner. This work was approved in advance by USAC. Both Por Vida and RGC and Associates, Inc., relied upon the approval by USAC in undertaking the work. RGC and Associates, Inc., maintains that it conducted the approved services in the most cost effective means of meeting educational needs and technology plan goals. Additionally, RGC and Associates, Inc., would point out that USAC subsequently approved the replacement of the subject internal connections as continuing to be the most cost-effective means to continue to meet educational needs and technology plan goals.

4. A copy of this appeal is being provided to the applicant affected by USAC's decision by certified mail, return receipt requested to :

Steven Langseth  
POR VIDA, INC.  
1135 Mission Road  
San Antonio, Texas 78210

5. Authorized Signature:

A handwritten signature in black ink, appearing to read "D. Craig Wood", is written over a horizontal line.

Walsh, Anderson, Brown, Gallegos & Green, P.C.

D. Craig Wood, for the Firm